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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,223

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Richard Bromham

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,223

Applicant(s)

BROMHAM ET AL.

Examiner

JOHN J LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 32-34 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 28-31 and 35-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.7.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Regarding claims 5, 8, and 10, the phrase/word "sometimes" renders the claim indefinite because it is unclear whether the limitations following the phrase/word are part of the claimed invention. See MPEP § 2173.05(d). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 6, 7, 9, 11-27, 32-34, and 38-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Hollenberg (US Patent number 6,091,956).

Regarding **claim 1**, Hollenberg discloses that a device (Fig. 2, 4) adapted and configured to be disposed on a nonautomotive roaming object (pedestrians (persons) or could be anything see Fig. 1), comprising a radio (Fig. 2, 4) that is compatible with a dedicated short range radio frequency-based roadside information service (Fig. 1, 2 and column 5, lines 13 – 65). Hollenberg teaches that a transmitter (32 in Fig. 1) that transmits information (providing services such as location, map, information of roadside service see abstract, Fig. 1, 2 and column 4, lines 34 – column 5, lines 46) regarding the nonautomotive roaming object (pedestrians (persons) or could be anything see Fig. 1)

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compatibly with the dedicated short range radio frequency (low power) based roadside information service (location data, map tracking information, areas, travel distances, area attractions...) (Fig. 1, 2, 6 and column 11, lines 43 – column 12, lines 40, where teaches service provider (transmitter) transmits variable information based on roadside information with low power short range radio frequency). Hollenberg teaches that a receiver (Fig. 2, 4) that receives information service information compatibly with the dedicated short range radio frequency-based roadside information service (Fig. 1, 2, 6, column 11, lines 43 – column 12, lines 40, and column 4, lines 34 – column 5, lines 46, where teaches the receiver receives the variable information based on roadside information service from the service provider with low power (short range) radio frequency).

Regarding **claim 2**, Hollenberg discloses that the transmitter comprises a beacon transmitter that transmits object information automatically at least from time to time (Fig. 1, 3, 14 and column 24, lines 29 – 63, where teaches the service provider send the information continuously from time to time).

Regarding **claim 3**, Hollenberg discloses that the object information includes category information (see Fig. 2, 4) that identifies the nonautomotive roaming object as belonging to a particular predefined category (column 8, lines 63 – column 10, lines 41 and Fig. 2, 4, 6).

Regarding **claim 4**, Hollenberg discloses that the object information includes personal identification information that identifies the nonautomotive roaming object as

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being a particular nonautomotive roaming object (Fig. 2, 4, 6 and column 12, lines 43 – column 13, lines 45).

Regarding **claim 6**, Hollenberg discloses that the transmitter comprises a dedicated short range (low power) transmitter (Fig. 1, 2, 6 and column 11, lines 43 – column 12, lines 40).

Regarding **claim 7**, Hollenberg discloses that the transmitter includes a high power mode of operation (column 12, lines 43 – column 13, lines 45 and Fig. 1, 3).

Regarding **claim 9**, Hollenberg discloses that a location determining unit that is operably coupled to at least one of the transmitter and the receiver (column 4, lines 52 – column 5, lines 28, Fig. 1, 3, and abstract).

Regarding **claim 11**, Hollenberg discloses that the object information includes location information regarding the object (column 4, lines 52 – column 5, lines 28, Fig. 1, 2, and abstract).

Regarding **claim 12**, Hollenberg discloses that the location information comprises absolute location information that identifies a specific objective location of the object (column 8, lines 63 – column 10, lines 41 and Fig. 2, 4, 6).

Regarding **claim 13**, Hollenberg discloses that the location information comprises relative location information that identifies a relative location of the object with respect to at least one other object (column 8, lines 63 – column 10, lines 41, Fig. 2, 4, 6, and column 12, lines 43 – column 13, lines 45).

Regarding **claim 14**, Hollenberg discloses that a user interface operably coupled to at least one of the transmitter and the receiver (column 8, lines 63 – column 10, lines 41, Fig. 1, 3, 5, and column 4, lines 52 – column 5, lines 28).

Regarding **claim 15**, Hollenberg discloses that the user interface includes a visual display (Fig. 2, 6 and column 5, lines 47 – column 6, lines 49).

Regarding **claim 16**, Hollenberg discloses that the user interface includes an audio transducer (Fig. 2, 4 and column 12, lines 12 – 63).

Regarding **claim 17**, Hollenberg discloses that the user interface includes a tactile sensory output (Fig. 2, 6 and column 5, lines 47 – column 6, lines 49).

Regarding **claim 18**, Hollenberg discloses that the user interface includes a text entry device (Fig. 2, 4 and column 12, lines 12 – 63).

Regarding **claim 19**, Hollenberg discloses all the limitation, as discussed in claims 1 and 14. Furthermore, Hollenberg further discloses automatically using location information to selectively control at least one of the transmitter and the user interface (column 10, lines 11 – 41, Fig. 2, 4, 6, and column 13, lines 22 – 63, where teaches automatically using location information or other information to selectively control by user).

Regarding **claim 20**, Hollenberg discloses all the limitation, as discussed in claims 1 and 19. Furthermore, Hollenberg further discloses determining a present location of the nonautomotive roaming object (column 9, lines 40 – column 10, lines 41 Fig. 1, 2, and column 13, lines 66 – column 14, lines 36).

Regarding **claim 21**, Hollenberg discloses all the limitation, as discussed in claims 3 and 11.

Regarding **claim 22**, Hollenberg discloses that determining a present location includes receiving global positioning system signals (Fig. 1, 3 and column 12, lines 42 – column 13, lines 8).

Regarding **claim 23**, Hollenberg discloses all the limitation, as discussed in claims 1 and 11.

Regarding **claim 24**, Hollenberg discloses all the limitation, as discussed in claims 1 and 20.

Regarding **claim 25**, Hollenberg discloses all the limitation, as discussed in claims 1 and 20.

Regarding **claim 26**, Hollenberg discloses all the limitation, as discussed in claims 7 and 20.

Regarding **claim 27**, Hollenberg discloses that transmitting further includes transmitting a message that indicates at least a likelihood that the device will imminently become at least partially nonoperational (Fig. 1, 15 and column 25, lines 62 – column 26, lines 50).

Regarding **claim 32**, Hollenberg discloses that the device further includes a memory and wherein the method further comprises storing at least some history regarding the nonautomotive roaming object in the memory (column 21, lines 55 – column 22, lines 55 and Fig. 11, 12).

Regarding **claim 33**, Hollenberg discloses that storing at least some history regarding the nonautomotive roaming object in the memory includes storing at least some history regarding location of the nonautomotive roaming object in the memory (column 21, lines 55 – column 22, lines 55 and Fig. 11, 12).

Regarding **claim 34**, Hollenberg discloses that storing at least some history regarding the nonautomotive roaming object in the memory includes storing at least some history regarding directional headings of the nonautomotive roaming object in the memory (column 21, lines 55 – column 22, lines 55 and Fig. 6, 11, 12).

Regarding **claim 38**, Hollenberg discloses all the limitation, as discussed in claims 1 and 19.

Regarding **claim 39**, Hollenberg discloses that the portable device comprises one of a portable two-way communications device, a personal digital assistant, a portable computer, and a global positioning system receiver (Fig. 1, 8, 10 and column 4, lines 52 – column 5, lines 28).

Regarding **claim 40**, Hollenberg discloses all the limitation, as discussed in claims 1 and 19.

Allowable Subject Matter

4. Claims 28-31 and 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “information service information includes

an output operably coupled to a disable actuator control, such that the transmitter will automatically be disabled upon receiving the first signal, determining that the nonautomotive roaming object is presently located proximal to a plurality of other nonautomotive roaming objects and automatically initiating a predetermined action, transmitting the activity history regarding disablement of the transmitter can be utilized to dynamically adjust insurance coverage terms, and conditions using location information to determine at least an approximate present velocity of the nonautomotive roaming object and whenever the approximate present velocity at least exceeds a predetermined threshold, automatically disabling the transmitter” as specified in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoneyama et al. (US Patent number 5,187,810) discloses Route Guidance System for Providing a Mobile Station with Optimum Route Data in Response to a Guidance Request Together with Base Station Data Indicative of an Identification of a Base Station.

Takagi et al. (US Patent number 6,472,978) discloses Traffic System to Prevent from Accidents.

Yoshida (US 2002/0014976) discloses On-Vehicle Radio Communication Equipment, a Dedicated Short Range Communication System, and On-Vehicle Radio Communication Method.

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Or:

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
September 1, 2004

John J Lee


NICK CORSARO
PRIMARY EXAMINER